

Message Text

SECRET

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ACTION EUR-08

INFO OCT-01 SS-14 ISO-00 EA-06 NSC-06 INR-05 CIAE-00
NSAE-00 PM-03 DODE-00 /043 W
-----052000 080336Z /20

R 071148Z APR 78
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 4886
INFO AMEMBASSY KUALA LUMPUR
AMEMBASSY SINGAPORE
AMEMBASSY BANGKOK
AMEMBASSY JAKARTA
AMEMBASSY MANILA

S E C R E T SECTION 01 OF 02 LONDON 05423

LIMDIS

E.O. 11652: XGDS-1
TAGS: PGOV, UK, BY, MY
SUBJECT: UK-BRUNEI CONSTITUTIONAL DIALOGUE

REF: A) STATE 87304; B) KUALA LUMPUR 2577; C) KUALA
LUMPUR 2579; D) LONDON 3142 (NOTAL)

1. HEAD OF FCO SOUTH EAST ASIA DEPT, SIMONS, BRIEFED
EMBOFF ON CONSTITUTIONAL DEVELOPMENTS REGARDING BRUNEI
ON APRIL 6. THE "OPERATIVE," SIGNED COPY OF THE
QUEEN'S LETTER WAS DELIVERED TO THE SULTAN ON APRIL 1.
LETTER REJECTED SULTAN'S APPEAL TO PRIVY COUNCIL AND
DIRECT PERSONAL APPROACH TO THE QUEEN AS PER REFTEL D.
MESSAGE FURTHER STATED THAT UNLESS SULTAN REPLIED
WITHIN 7 DAYS HMG WOULD UNILATERALLY ANNOUNCE TERMINA-
TION OF AGREEMENT AND PLANS TO WITHDRAW GURKHA
BATTALION.

2. COACHED BY THEIR BRITISH CONSTITUTIONAL ADVISER,
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SULTAN AND HIS FATHER AT LAST REALIZED THAT THEY MUST
FACE UP TO A CHANQE IN BRUNEI'S RELATIONSHIP WITH
THE UK, AND THAT THEY MUST SERIOUSLY ADDRESS THE
SUBSTANCE OF THE BRITISH POSITION. ACCORDINGLY, ON
APRIL 3 THE SULTAN FORMALLY REPLIED "WITH SORROW AND
REGRET" THAT HE IS WILLING TO RESUME NEGOTIATIONS WITH
HMG AND FOR THIS PURPOSE WOULD COME TO LONDON "IN A

FEW WEEKS TIME." THE VISIT HAS IN FACT BEEN SET FOR EARLY JUNE. IN HIS LETTER, THE SULTAN SET FORTH SOME SIX TOPICS WHICH HE WOULD NEED TO RAISE WITH HMG DURING THE FORTHCOMING NEGOTIATIONS BEFORE HE COULD BE SATISFIED THAT THE BRITISH TERMS AS OFFERED WOULD NOT RESULT IN A DANQER TO THE STATE. THESE TOPICS INCLUDE QUESTION OF NATIONALITY, DIPLOMATIC REPRESENTATION, THE DATE THE TREATY WILL COME INTO FORCE, THE TIME AND PLACE OF SIGNATURE, AND MOST IMPORTANTLY, THE CONTINUED PROVISION OF BRITISH MILITARY PERSONNEL IN SOME FORM. BRITISH HAVE NOT REPLIED TO THIS LETTER, BUT RECOGNIZE THAT THESE TOPICS WOULD HAVE TO BE DISCUSSED.

3. SIMONS PERSONALLY DOES NOT BELIEVE THAT FINAL AGREEMENT WITH THE SULTAN AND HIS FATHER CAN BE REACHED DURING THE JUNE ROUND, SINCE NOBODY EXPECTS THE SULTAN TO NEGOTIATE CLOSELY ON SOME OF THE SIX TOPICS; HOWEVER, THE BRITISH ARE RELIEVED THAT THE SULTAN AND HIS FATHER HAVE BEEN MOVED OFF THEIR INITIAL OBDURATE POSITION. BOTH SIMONS AND HIS CHIEF, FCO ASSISTANT UNDERSECRETARY MURRAY, TOLD EMBOFF THAT THEY EXPECT THAT AN AGREEMENT WILL BE REACHED THROUGH NEGOTIATION.

4. SIMONS COMMENTED THAT THIS DOES NOT MEAN THAT
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"A NEW STATE IS EMERGING." AS FAR AS THE BRITISH ARE

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CONCERNED, BRUNEI HAS BEEN "AN INDEPENDENT STATE IN
TREATY RELATIONSHIP WITH THE UK" ALL ALONG. IT WAS
NEVER PART OF THE BRITISH EMPIRE AND IS NOT NOW A
MEMBER OF THE COMMONWEALTH. IT IS "SUI GENERIS."
THE BRITISH AIM IS TO MAKE IT UNAMBIGUOUSLY CLEAR THAT
IT HAS ALL THE APPURTENANCES OF A STATE.

5. COMMENT: THIS RESOLUTION OF THE CONSTITUTIONAL
ISSUE MEANS THAT THE LAST BRITISH MILITARY UNIT IN
SOUTHEAST ASIA WILL BE WITHDRAWN IN A CONTEXT OF NEGO-
TIATIONS RATHER THAN CONFRONTATION. THE BRITISH REAL-
IZED THAT THE SULTAN AND HIS FATHER WOULD NEVER HAVE
COME AROUND UNLESS THEY HAD BEEN FACED WITH SOME SORT
OF CUT-OFF DATE. HOWEVER, EVEN IF THE SULTAN HAD
REJECTED THE "ULTIMATUM," THE BRITISH WOULD NOT HAVE
WITHDRAWN THE GURKHA BATTALION IMMEDIATELY. IT WOULD
HAVE REMAINED, AND WILL NOW REMAIN, FOR "A LONG TIME,"
ACCORDING TO SIMONS. THE NEGOTIATIONS WILL ENABLE
BRUNEI TO REPLACE IT WITH A LOCALLY RAISED BATTALION,
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PRESUMABLY WITH BRITISH OFFICERS. FOR FURTHER INFOR-
MATION ON THE GURKHA BATTALION, SEE THE TIMES ARTICLE
ENCLOSED IN LONDON A-159 OF APRIL 5, WHICH REPORTS
THAT THE BRITISH HAVE UNDERTAKEN TO LEAVE THE BATTALION
THERE FOR FIVE MORE YEARS.

BREWSTER

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